

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
NORTHERN DISTRICT OF MISSISSIPPI

IN RE: MICHAEL R. SMITH, SR.
Debtor

CASE NO. 08-10080
Chapter 13

CONSERVATORSHIP OF MAGGIE MAE SMITH

VS. CASE NO. 08-1181-DWH

MICHAEL R. SMITH

AMENDED MOTION FOR SUBSTITUTION OF PARTY
PURSUANT TO FRBP 7025

COMES NOW, the Estate of Maggie Mae Smith, Deceased, by and through counsel, and files this its Amended Motion for Substitution of Party, Pursuant to FRBP 7025, and for cause would show the following to-wit:

I.

The Conservatorship of Maggie Mae Smith originally filed the above adversary proceeding on behalf of the ward, Maggie Mae Smith. This adversary action was stayed, pending resolution of the claims by the Conservatorship against the debtor, Michael R. Smith, in the Chancery Court of Rankin County, Cause No. 50,891.

II.

That on September 11, 2015, David Smith was removed as Executor of the Estate of Maggie

Mae Smith and Robert R. Rester, Esq., was appointed Substitute Executor. (See attached Order Exhibit "A").

WHEREFORE, PREMISES CONSIDERED, the Estate of Maggie Mae Smith, Deceased, respectfully requests that Robert R. Rester, Substitute Executor, be substituted as the real party in interest in the above styled and numbered cause.

Respectfully submitted, this the 29th day of August, 2016.

Respectfully submitted,

/s/ ROBERT R. WILLIARD, ESQ.

ROBERT R. WILLIARD, ESQ., Attorney for Robert R. Rester, Substitute Executor for the Estate of Maggie Mae Smith, Deceased

SUBMITTED BY:

ROBERT R. WILLIARD, ESQ.
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CERTIFICATE OF SERVICE

I, ROBERT R. WILLIARD, do hereby certify that I have this day electronically filed this document using the (CM/ECF) system which will automatically notify counsel of record and I have this day mailed, via United States mail, postage prepaid, a true and correct copy of the above and foregoing Amended Motion for Substitution of Party to the following:

JAMES R. MOZINGO, ESQ.
LYDIA M. QUARLES, ESQ.
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DAVID RINGER, ESQ.
BRENTON M. CARTER, ESQ.
RINGER LAW FIRM
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Florence, Mississippi 39073

THIS, the 29th day of August, 2016.

/s/ ROBERT R. WILLIARD, ESQ.
ROBERT R. WILLIARD, ESQ.